

REMARKS

Reconsideration of this application is requested. Claims 1 and 4-15 are in the case.

I. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for the reasons detailed on pages 2-4 of the Action. In response, and without conceding to the merit of this rejection, the claims have been amended to deal with the outstanding formal points. In particular, claim 1 has been amended to incorporate the subject matter of claims 2 and 3 and claims 2 and 3 have been canceled without prejudice. Claim 6 has been amended to define a conduit for transporting cells suspended in a fluid, and to state that the needle is for piercing cells. Claim 7 has been amended to specify that the cell sensor is at an injection area (see the first paragraph on page 12 of the specification), and claim 8 has been amended to state that the cell capture sensor is at an injection position (see the fourth paragraph on page 11 of the specification). Claims 12 has been amended to positively recite a cell disrupting chemical or force, and claim 14 incorporates features from claim 6.

It is believed that the amended claims presented herewith are in good formal condition and obviate all of the outstanding formal points. Reconsideration and withdrawal of the outstanding formal rejections are accordingly respectfully requested.

II. THE ANTICIPATION REJECTIONS

Claims 1, 2, 11, 12, 15 and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WO 91/05519 to Leighton et al. Claims 1, 2, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by WO 96/10630 to Trimmer et al.

In response, and without conceding to the merit of these two rejections, claim 1 has been amended to incorporate the subject matter of claim 3 which is not rejected on anticipation grounds. Reconsideration and withdrawal of the outstanding anticipation rejections are accordingly respectfully requested.

III. THE OBVIOUSNESS REJECTION

Claims 3-5, 13 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Leighton et al. That rejection is respectfully traversed.

The subject matter of claim 2 is not rejected on obviousness grounds. In light of that indication, and without conceding to the merit of the obviousness rejection, claim 2 has been incorporated into claim 1 and claim 2 has been canceled without prejudice. Claim 16 has been canceled without prejudice, thereby rendering moot the obviousness rejection of that claim.

The amended claims are not suggested by Leighton. For example, Leighton fails to suggest the housing which includes a cell injection needle wherein the cells enter the housing through an inlet, contact the injection needle and then move through an outlet of the conduit.

Withdrawal of the outstanding obviousness rejection is believed to be in order.
Such action is respectfully requested.

IV. ALLOWABLE SUBJECT MATTER

It is noted, with appreciation, that claims 6-10 and 14 are free of the prior art. With the amendments and arguments presented in this response, it is believed that all of the claims in this application are now in allowable condition. Early notice to that effect is respectfully requested.

V. SPECIFICATION

A new Abstract is presented on a separate sheet attached to this response. The Abstract is based on claim 1 as amended. No new matter is entered.

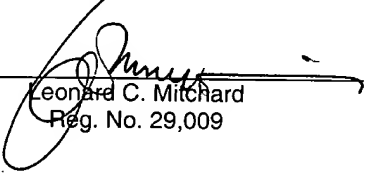
The specification has been amended to include customary headings, including a brief description of the drawings. No new matter is entered.

Allowance of the application is awaited.

Respectfully submitted,

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By: _____


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ABSTRACT OF THE DISCLOSURE

The microfabricated cell injector having an injection wall and a cell injection needle projecting from the wall for piercing cells suspended in a fluid. The needle is held within a housing defined by the internal surfaces of the microfabricated cell injector. The housing has an inlet for suspended cells to enter and an outlet for cells to exit via the cell injection needle. A cell propulsion device is provided for impelling cells towards the needle such that, in use, cells suspended in the fluid are impelled towards the injection wall and pierced by the injection needle.
